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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8 SAN JOSE DIVISION

9 Kevin Collins,

No. C 07-01532 JW

10 Plaintiffs,

**ORDER TO SHOW CAUSE RE:
SETTLEMENT**

11 v.

12 Federal Express, et al.,

13 Defendants.
14 _____/

15 This case is scheduled for a Preliminary Pretrial Conference on October 20, 2008. Pursuant
16 to the Court's Scheduling Order, the parties were to file a Joint Preliminary Pretrial Statement on or
17 before October 10, 2008. (See Docket Item No. 24.) To date, the parties have failed to file the
18 required Joint Statement.


19 On its own motion, the Court contacted the parties and was informed by Mr. David Wilson,
20 counsel for Defendant Federal Express, that above-entitled matter has reached a settlement. In light
21 of the settlement, the Court vacates all trial and pretrial dates. On or before **November 7, 2008**, the
22 parties shall file a stipulated dismissal pursuant to Federal Rule of Civil Procedure 41(a).

23 If a dismissal is not filed by the specified date, all parties shall appear in Courtroom No. 8,
24 4th Floor, United States District Court, 280 South First Street, San Jose, Ca. on **November 17, 2008**
25 **at 9:00 a.m.** and to show cause, if any, why the case should not be dismissed pursuant to Fed. R.
26 Civ. P. 41(b). On or before **November 7, 2008**, the parties shall file a joint statement in response to
27 the Order to Show Cause. The joint statement shall set forth the status of the activities of the parties
28 for finalizing the settlement and how much additional time is requested to finalize and file the

1 dismissal. If a voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be
2 automatically vacated.

3 Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss
4 this action.

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6 Dated: October 15, 2008



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 David Sidney Wilson dswilson@fedex.com
3 Waukeen Quandrico McCoy mccoyslawsf@yahoo.com
4 Angela Alioto, murlene@randlelawoffices.com

5 **Dated: October 15, 2008**

Richard W. Wieking, Clerk

6 **By: /s/ JW Chambers**

7 **Elizabeth Garcia**
8 **Courtroom Deputy**

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United States District Court
For the Northern District of California